

DEPARTMENT OF WELFARE OF SCHEDULED CASTES AND BACKWARD CLASSES

The 10th January, 1972

No. 6640-SW-4-71/686.—The Governor of Haryana is pleased to constitute a Sub-Committee for carrying out an exhaustive survey of the existing and future possibilities of promoting the welfare activities of the Members of Scheduled Castes and Backward Classes. It will consist of the following members :—

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|---|---------------------|
| (1) Shri Sham Chand, M.L.A.   | .. Chairman         |
| (2) Shri Tika Ram, Advocate, Panipat  | .. Member           |
| (3) Shri Ram Parshad, son of Shri Chandu Lal, village and post office Baroli, tehsil Rewari, district Gurgaon | .. Member           |
| (4) Ex-Capt. Mange Ram, village Chirya, district Mahendergarh   | .. Member           |
| (5) Shri Chamber Dayal, Balmiki, M.C., Bhiwani  | .. Member           |
| Representative of the Industries Department   | .. Member           |
| (7) Director, Welfare of Scheduled Castes and Backward Classes Department, Haryana                            | .. Member           |
| (8) Shri K. B. Singh, Special Officer, Social Welfare Department, Haryana                                     | .. Member-Secretary |

2. The terms of reference of the Committee will be as under :—

- (i) To review the working of all the existing schemes of welfare of Scheduled Castes Department.
- (ii) To suggest various types of Industries/Trades that can be set up either departmentally or under the Company Law in which maximum employment could be given to Harijans.
- (iii) To evaluate existing educational and training facilities and to suggest further measures for improvement in that behalf.
- (iv) To suggest new schemes for promotion and improvement in the sphere of social work.

3. The Committee shall meet quarterly or as may be decided by the Chairman.

4. Three members shall form the quorum of the Committee.

5. The Headquarters of the Committee will be at Chandigarh.

6. The members will receive travelling allowance and daily halting allowance as under :—

- (a) Legislators in their ex-officio capacity, under the Punjab Legislative Assembly (Allowances of Members) Act, 1942, and the Rules made thereunder as applicable to the State of Haryana.
- (b) Members of Parliament in respect of journeys performed by rail, as admissible to members of the legislative appointed in their ex-officio capacity, less one first class fare for journeys by rail to and fro.
- (c) Non-official other than M.L.As./M.Ps. at one first class fare plus incidental allowances and road mileage as admissible to a 1st Grade Government employee drawing a pay of Rs 1,000 and Rs 11.00/13.75 and Rs 16.50 in plains/Hills/Special Hill tracts as Daily Allowance, respectively. The other conditions laid down in the T.A. Rules for Government employees will also apply to journeys performed by non-official members except when otherwise provided.

7. The Secretary, Haryana Vidhan Sabha, will be the Controlling Officer for the purpose of countersigning the T.A. and halting allowance bills of the M.L.As. on the Committee. The Director, Welfare of Scheduled Castes and Backward Classes, will be the Controlling Officer for the purpose of countersigning the T.A. bills in respect of the other non-official members.

8. The expenditure involved shall be debitable against the budget grant under the Head "26—Misc. Departments (V)—Scheme for the benefit of Backward Classes and scheduled Castes—Director of Welfare of Scheduled Castes and Backward Classes—Central Office."

9. The term of the Committee will be one year in the first instance and it shall submit its final report within one year from the date of notification. It may, however, send interim recommendations from time to time earlier also.

D. D. SHARMA,  
Commissioner and Secy.

#### HEALTH DEPARTMENT

The 21st December, 1971

No. 11404-ASOIII-HBII-71/877.—Whereas the Governor of Haryana is satisfied that the State of Haryana is threatened with an out break of a dangerous epidemic disease, viz. Small pox and the ordinary provisions of law for the time being in force are insufficient for the purpose.

Now, therefore, in exercise of the powers conferred by section 2 of the Epidemic Diseases Act, 1897, the Governor of Haryana makes the following regulations, namely —

1. These regulations may be called the Haryana Epidemic Diseases Regulations, 1969.
2. In these regulations —
  - (a) "Epidemic disease," means Small-pox ;
  - (b) "Inspection post" means any place which may be declared by the Deputy Commissioner to be an inspection post; and
  - (c) "Inspecting Officer" means inspecting officer appointed by the Chief Medical Officer of the District.
3. An Inspecting officer who is unavoidably prevented from discharging all or any of the functions may by order in writing appoint any Senior Medical Officer, Medical Officer, Senior Sanitary Inspector, Sanitary Inspector, Assistant Unit officer (Small pox), Superintendent of Vaccination, Inspector Vaccination or Vaccinator temporarily to discharge the functions of Inspecting Officer and the Senior Medical Officer, Medical Officer, Senior Sanitary Inspector, Sanitary Inspector Assistant Unit Officer (Small Pox), Superintendent of Vaccination, Inspector Vaccination or Vaccinator so appointed shall so far as such functions are concerned be deemed for the purpose of these regulation to be an inspecting officer."
4. An inspecting officer may at his inspection post, direct any person travelling by railway to remain in the carriage in which he is travelling or to leave the carriage in which he is travelling and come on the platform or on the line, and may prohibit any such person for leaving the platform or line or the inspection post.
5. An inspecting officer may, at his inspection post, make a medical inspection and examination of any person travelling by railway or by road in such manner and to such extent as he thinks necessary in order to ascertain whether there is any reason to believe or suspect that such person is or may be suffering from Small-pox provided that such inspection or examination shall not be made in any manner or to any extent to which such person objects.
6. An inspecting officer may put to any such travelling by railway or by road any question as thinks fit in order to ascertain whether there is reason to believe or suspect that such person is or may be suffering from small-pox and that person shall be bound to answer truly any question as put to him.
7. Whereas a result of such inspection or examination or otherwise the inspecting officer considers that there is reason to believe or suspect that the person so inspected or examined or otherwise or may be infected with an epidemic disease, or where any person makes any objections under the proviso to regulation 5, the inspecting officer may direct that such person be removed to, and detained in any isolation camp or hospital established by the Deputy Commissioner until the inspecting officer certifies in writing that in his opinion there is no longer any reason to believe or suspect such person to be infected by Small-pox.
8. Any person in respect of whom a direction has not been given under regulation 7 may apply to the inspecting officer to be allowed to attend upon any person in respect of whom such a direction has been given and the inspecting officer shall except for reasons to be recorded by him in writing grant such application.
9. Any person who has made an application under regulation 8, and whose application has been granted shall be detained in such building, tent or other place whether near the inspection post or elsewhere as the inspecting officer may direct.
10. Any person in respect of whom a direction under regulation 7 or regulation 9, has been given shall not leave any place in which inspecting officer has directed him to be detained until the inspecting officer or a registered medical practitioner nominated by the inspecting officer in this behalf certifies in writing that in his opinion, there is no longer any reason to believe or suspect such person to be infected by Small-pox or that there is no longer any reason for retaining such person as the case may be.

11. An inspecting officer may order the destruction of any article which is or has been in the possession of a person in respect of whom the inspecting officer considers to have been in dangerous proximity to such person, provided that compensation may, in discretion of the officer empowered by regulation 13, to award the same, be paid for the destruction or injury to any article in possession of the said person.

12. Any inspecting officer may enter any premises for the purpose of inoculation or for inspection of case of Small-pox or suspected case of Small-pox or for disinfection.

13. Applications for the payment of compensation under regulation 11, may be made to the District Magistrate of the district concerned who shall upon receipt of any such application determine by order in writing the amount of such compensation, if any, and such order shall be final.

14. These regulations shall remain in force from the 1st January, 1972 to the 31st December, 1972.

The 31st January, 1972

No. 583-ASO-III-HBII-72/2523.—In exercise of the powers conferred by section 21 of the Drugs and Cosmetics Acts, 1940 (Central Act XXI A of 1940), the Governor of Haryana is pleased to appoint the following persons as Inspectors for the purpose of Chapter IV of the said Act within the whole State of Haryana for a further period of one year with effect from 29th January, 1972:—

1. Shri Om Parkash Aggarwal, Assistant State Drugs Controller.

2. Shri Mukand Lal, Drugs Inspector.

3. Shri Durga Parshad, Drugs Inspector.

4. Shri Chander Parkash, Drugs Inspector.

5. Shri Kuldip Raj Jain, Drugs Inspector.

6. Shri Suresh Kumar Dua, Drugs Inspector.

B. L. AHUJA,

Commissioner for Health and Secretary.

#### LABOUR DEPARTMENT

The 31st January, 1972

No. 1001-4Lab-72/4073.—In pursuance of the provisions of section 71 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workman and the management of M/s The Panipat Co-operative Sugar Mills Ltd., Panipat:—

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 28 of 1971

between

THE WORKMAN SHRI PARTAP SINGH AND THE MANAGEMENT OF M/S THE PANIPAT CO-OPERATIVE SUGAR MILLS LTD., PANIPAT

Present —

Shri Onkar Parshad, for the workman.

Shri Surinder Kaushal, for the management.

#### AWARD

The services of Shri Partap Singh a Watchman of M/s The Panipat Co-operative Sugar Mills Ltd., Panipat were terminated and this gave rise to an industrial dispute. Accordingly the Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication,—vide Gazette Notification No. 1D/KNL/13-G-71/20202-7, dated 2nd July, 1971 :—

Whether the termination of services of Shri Partap Singh, son of Shri Maya Chand was justified and in order? If not, to what relief is he entitled?

The plea of the management is that Shri Partap Singh was appointed on 12th September, 1968 on purely temporary/casual basis and his appointment was subject to the approval of the Board of Directors and for this reason his service was not continuous and since his appointment was not confirmed by the Board he was paid off on 16th November, 1970. The only issue which arose from the pleadings of the parties was precisely the same as in the order of reference. The parties were given an opportunity to produce evidence in support of their respective contentions.

The management produced their Office Superintendent Shri S. L. Batra who was examined as M.W.1. He says that Shri Partap Singh was appointed on 19th September, 1968 in a purely temporary capacity and he worked upto 10th May, 1969. and then re-appointed on 20th May, 1969 and he continued to work upto 2nd November, 1969. He was again appointed on 7th November, 1969 and he worked upto 7th August, 1970. Then after giving him a break of twelve days he was again appointed on 19th August, 1970 and his services were finally terminated on 15th November, 1970 because his name was not approved for permanent appointment by the Board of Directors. Ex. M. 2 is the copy of the minutes of the meeting of the sub-committee constituted by the Board in which his name was not approved.

It is established by the evidence of the Office Superintendent Shri Batra that Shri Partap Singh was never appointed in a permanent capacity but it does not mean that he was working in a temporary capacity. There is no evidence whatsoever that the post against which Shri Partap Singh was appointed, was a temporary period. Sub-clause (iii) of clause B of the Certified Standing Orders of the respondent company define a temporary workman and it is laid down that a temporary workman is one who is engaged for work of a temporary or casual nature or to fill in a temporary need of extra hands on temporary jobs. It is not the case of the management that the services of Shri Partap Singh were terminated in the first instance on 10th May, 1969 because the post against which he was appointed had come to an end because Shri Partap Singh was appointed again on 20th May, 1969 that is after giving him a break of 10 days. It is not even alleged that it was necessary to abolish the post of the watchman for a period of 10 days for administrative reasons. The services of Shri Partap Singh were terminated on 2nd November, 1969 and he was re-appointed on 7th November, 1969 that is after a break of 5 days. Similarly in the third appointment, the break was only for 12 days. It is thus established by the evidence of the management itself that during the period of two years, two months and three days, Shri Partap Singh was given a break of service of just 27 days. It means that he had worked for a period of more than 240 days during the period of 12 calendar months preceding the date on which his services were terminated. In case the workman was not to be retained in service after 15th November, 1970 because he was serving in a temporary capacity then it was incumbent upon the management to have given him one month's notice and retrenchment compensation as provided in section 25-F of the Industrial Disputes Act, 1947, but even this was not done.

Thus we see that the management have not been able to establish that the workman was a temporary workman as defined in sub-clause (iii) of clause B of the Certified Standing Orders nor his services have been terminated in accordance with the provisions of law because if his services were no longer required then he could be only retrenched. I am, therefore, of the opinion that the termination of the services of the workman was not justified and he is entitled to be re-instated with continuity of service.

As regards back wages the workman admits that he has been taken back into service in the Distillery Department of the respondent Mills with effect from 21st December, 1970. He says that originally he was on daily wages and he used to get about Rs 126 per mensem and from February, 1970, he has been taken into regular service. He further says that in the Mills his salary was of Rs 147 per mensem. Thus the workman has suffered a loss of Rs 21 by reason of the wrongful termination of his services and he is entitled to get compensation on this account. Thus he is entitled to Rs 171.50 from 16th November, 1970 to 20th December, 1970. From 21st December, 1970 he got an appointment in a lower grade and in case he had continued his original service, he would continued to get Rs 147 per mensem. Therefore he is entitled to the difference in the salary which was given to him less. Thus he is entitled to Rs 532.00 on account of the loss suffered by him by reason of the wrongful termination of his services. The total emoluments to which he is entitled upto the date of the award comes to Rs 703.50. I give my award accordingly. There will be no order as to costs.

(P. N. THUKRAL),

Presiding Officer,

Labour Court, Haryana, Rohtak.

Dated the 17th January, 1972

No. 197, dated Rohtak, the 20th January, 1972.

Forwarded in quadruplicate to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

(P. N. THUKRAL),

Presiding Officer,

Labour Court, Haryana, Rohtak.